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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,070	12/18/2003	Eric Bouchard	131823	2143

7590 04/18/2007  
John S. Beulick  
Armstrong Teasdale LLP  
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One Metropolitan Square  
St. Louis, MO 63102

EXAMINER
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OMGBA, ESSAMA

ART UNIT	PAPER NUMBER
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3726

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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## Office Action Summary

Application No.

10/740,070

Applicant(s)

BOUCHARD ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 12 and 18 are objected to because of the following informalities: in line 2 of each claim, "are" should read --is--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US Patent 6,830,240).

With regards to claims 6 and 12, Jones et al. discloses an assembly comprising a base portion (fixture 52), a body portion (clamp assembly 54) coupled to the base portion (col. 2, lines 62-66), and a first set of retainer removably coupled to the body portion, the first set of retainers comprising an upper portion 60 having a profile that substantially mirrors a portion of a first dovetail, and a lower portion 58 having a profile that substantially mirrors an opposite side of the first dovetail (col. 3, lines 21-41). Although Jones et al. does not disclose the first set of retainers being removably coupled to the body portion by slidably being coupled to the body portion, however it would have been obvious to one of ordinary skill in the art at the time the invention was made that removably coupling the first set of retainers to the body portion by slidably coupling the retainers to the body portion versus using threaded bolts as taught by Jones et al. is an obvious matter of design choice as long as the retainers can be removed from the body portion for repair or substitution of the retainers for example. Furthermore the examiner submits that it is within the general knowledge of one of

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ordinary skill in the art to appropriately removably couple retainers to a body portion.

Regarding the recitations “such that said first set of retainers can be replaced by a second set of retainers that are configured to retain a second dovetail that is different from the first dovetail” and “wherein said second set of retainers are different than said first set of retainers”, Applicant should note that a claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987), see MPEP § 2114.

For claim 7, see column 3, lines 30-38.

For claim 8, see column 3, lines 39-46 and 56-60 and column 4, lines 35-59.

For claim 9, see figure 3 that shows upper and lower portions seating in openings in the body portion.

For claims 10 and 11, see figure 4 that shows the cylindrical part of upper portion seating in a complementary opening. Applicant should note that it is within the general knowledge of one of ordinary skill in the art to provide complementary openings to matingly accommodate elements.

3. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. in view of Applicant's Admitted Prior Art (AAPA).

With regards to claims 13, 19 and 20, Jones et al. discloses a milling machine comprising an assembly that comprises a base portion (fixture 52), a body portion (clamp assembly 54) coupled to the base portion (col. 2, lines 62-66), and a first set of

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retainer removably coupled to the body portion, the first set of retainers comprising an upper portion 60 having a profile that substantially mirrors a portion of a first dovetail, and a lower portion 58 having a profile that substantially mirrors an opposite side of the first dovetail (col. 3, lines 21-41) and a grinding wheel (col. 9, lines 3-4). Although Jones et al. does not specifically disclose the grinding wheel configured to machine a seal wire groove into the dovetail, however milling machines with grinding wheels configured to machine a seal wire groove into the dovetail are old and well known in the art as attested by Applicant at pages 1 and 2 of the specification to be known as AAPA.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a grinding wheel configured to machine a seal wire groove into the dovetail, in light of the teachings of AAPA, as is known in the art. Furthermore Jones et al. discloses that its tool assembly could be used in combination with other tool assembly components, see column 9, lines 43-49.

For claim 14, see column 3, lines 30-46 and 56-60 and column 4, lines 35-59 of Jones et al.

For claim 15, see figure 3 of Jones et al. that shows upper and lower portions seating in openings in the body portion.

For claims 16 and 17, see figure 4 of Jones et al. that shows the cylindrical part of upper portion seating in a complementary opening. Applicant should note that it is within the general knowledge of one of ordinary skill in the art to provide complementary openings to matingly accommodate elements.

For claim 18, see paragraph [0004] of the specification that teaches a second set of components for holding compressor blades.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 6-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Essama Omgba  
Primary Examiner  
Art Unit 3726

eo  
April 15, 2007